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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,823	10/29/2003	Shinichiro Fukuoka	N0520.0047/P047	6755
24998 7590 12/15/2008 DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403				
EXAMINER BROWN, VERNAL U				
ART UNIT 2612		PAPER NUMBER		
MAIL DATE 12/15/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,823

Applicant(s)

FUKUOKA, SHINICHIRO

Examiner

VERNAL U. BROWN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communication filed on July 31, 2008..

Response to Amendment

The examiner has acknowledged the cancellation of claims 29-45 and the addition of claims 46-48.

Response to Arguments

Applicant's arguments filed July 31, 2008 have been fully considered but they are not persuasive.

Applicant argues that the reference of Cato is silent on teaching a first interrogator that is communicatively connected to a second interrogator. It is the examiner's position that th is argument is moot in view of the new rejection.

Claim Rejections - 35 USC § 112

Claims 46-48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 46-48, the limitation of the interrogators communicatively coupled to each other is not disclosed in the specification. The specification disclosed that the lending interrogator (70) and the return interrogator (20) are connected to the same controller (pages 15-16 of the specification) but does not disclose the first and second interrogator communicating

with each other as one of ordinary skill in the art would interpret the term communicatively coupled .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cato et al. US Patent 5539394 in view of Schuermann US Patent 5455575.

Regarding claim 46, Cato et al. teaches an article management system comprising: an interrogator communicating with wireless tag attached to an article (col. 4 lines 22-25) and the wireless tag includes tag data (col. 2 lines 50-54, col. 5 lines 5-10). Cato teaches a first interrogator (programmer 51) for assigning the identification information to the tag and this information is used to determine whether or not the tag is permitted to pass through a passage section (col. 3 lines 60-65) Cato et al. teaches a second interrogator (21) that is installed in a passage section leading to the management area (store) and the reader communicates with the electronic tag attached to an article (col. 4 lines 22-25) and a tag check processing means for detecting whether the non-contact electronic tag is permitted to pass the passage section by reading the items in the cart and ensuring the payment of items in the cart (col. 4 lines 21-29, col. 8 lines 36-40). Cato et al. teaches a multiple tag access processing means for avoiding collision

between multiple electronic tags and for enabling the reading the tag data stored in the electronic tag (col. 3 lines 56-64) and also teaches the multiple tag access processing is enabled when the processing means detect a non-contact electronic tag whose passage is inhibited because the passage of the items in the cart is inhibited until they are paid for and multiple access processing means is used to enable the reading of the tags in card by avoiding collision between the data read from the different tags (col. 6 lines 5-15, col. 6 lines 23-30). Cato is silent on teaching the first and second interrogators are communicatively coupled. Schuermann in an analogous art teaches a first and second interrogator communicative coupled (col. 3 line 67-col. 4 line 15).

It would have been obvious to one of ordinary skill in the art to modify the system of Cato as disclosed by Schuermann because communicatively coupling the first and second interrogator improves the security and efficiency of the system by allowing each of the interrogator to share information relating to the status of a tag.

Regarding claim 48, Cato et al. teaches the identification includes family identifier represented by the UPC code and the tag also includes a unique identifier (col. 5 lines 5-12). Cato et al. further teaches the tag identification is used to inhibit the tag (col. 3 lines 51-55).

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cato et al. US Patent 5539394 in view of Schuermann US Patent 5455575 and further in view of Muhme US Patent 5886634.

Regarding claim 47, Cato et al. teaches an electronic tag storing data attached to an article (col. 2 lines 50-54, col. 5 lines 5-10) but is silent on teaching an user radio electronic

means associated with an article passing through a passage section. Muhme in an art related invention in the same field of endeavor of electronic tag teaches a radio electronic means (22) associated with a user passing through a passage section and the tag is read by passage radio communication means (interrogator) to obtain user identification (col. 3 lines 12-24).

It would have been obvious to one of ordinary skill in the art to modify the system of Cato et al. as disclosed by Muhme because an user radio electronic means associated with an article passing through a passage section enables the determination of whether or not the user is authorized to remove certain items from an area and thereby increases the security of the system.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/
Examiner, Art Unit 2612
December 4, 2008

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612